

EXHIBIT F – 1

DRAFT FINAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

Coordination Proceeding,) Case No.
Special Title (Rule 3.550)) JCCP No. 4955
)
CALIFORNIA NORTH BAY FIRE)
CASES)
-----)
AND RELATED CROSS-ACTIONS.)
-----)

VIDEOTAPED DEPOSITION OF PG&E THROUGH ITS PERSON
MOST QUALIFIED: BRIAN JAMES BIANCARDI
San Francisco, California
Wednesday, January 16, 2019
Volume I

Reported by:
CATHERINE A. RYAN, RMR, CRR
CSR No. 8239
Job No. 3181431

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2 COUNTY OF SAN FRANCISCO

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9 CASES)
10)
11 AND RELATED CROSS-ACTIONS.)
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14
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16 Videotaped deposition of BRIAN JAMES
17 BIANCARDI, Volume I, taken on behalf of Plaintiffs,
18 at Veritext Conference Center, 160 Pine Street,
19 Suite 710, San Francisco, California, beginning at
20 10:03 a.m. and ending at 11:40 a.m., on Wednesday,
21 January 16, 2019, before CATHERINE A. RYAN,
22 Certified Shorthand Reporter No. 8239.
23
24
25

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9	Exhibit 0070-001	"PLAINTIFFS' AMENDED NOTICE OF 25
10		TAKING DEPOSITION OF PERSON MOST
11		QUALIFIED AT PG&E AND REQUEST FOR
12		PRODUCTION OF DOCUMENTS -- ALL
13		FIRES" and "PROOF OF SERVICE"; 6
14		pages
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16	Exhibit 0070-002	Typed list of Bates numbers; 25
17		1 page
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19	Exhibit 0070-003	"PGE-CPUC_00005652 Metadata"; 47
20		Bates PGE-CPUC_00005652 -
21		PGE-CPUC_00005660; 10 pages
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23	Exhibit 0070-004	"ORDER TO SHOW CAUSE WHY PG&E'S 62
24		CONDITIONS OF PROBATION SHOULD NOT
25		BE MODIFIED"; 4 Pages

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1	EXHIBITS (Continued)		
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11	Exhibit 0070-007	Email series dated 10/3/2017,	87
12		"Subject: RE: Daily Reliability	
13		Scorecard - 02-Oct-2017"; Bates	
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18 PREVIOUSLY MARKED EXHIBITS

19	NUMBER	DESCRIPTION	PAGES
20	Exhibit 0052-008	"Pacific Gas and Electric, Summary	60
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25		136145	

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1 San Francisco, California; Wednesday, January 16, 2019

2 10:03 a.m.

3
4 THE VIDEOGRAPHER: Good morning. We are
5 going on the record at 10:03 a.m. on Wednesday, 10:03:03
6 January 16th, 2019.

7 Please note that the microphones are
8 sensitive and may pick up whisperings, private
9 conversations, and cellular interference.

10 Please turn off all cell phones or place 10:03:16
11 them away from the microphones as they can interfere
12 with the deposition audio.

13 Audio and video recording will continue to
14 take place unless all parties agree to go off the
15 record. 10:03:25

16 This is Media Unit 1 of the video-recorded
17 deposition of Brian Biancardi, taken for counsel by
18 Plaintiff, in the matter of California North Bay
19 Fire Cases and Related Cross-Actions, filed in the
20 Superior Court, State of California, County of 10:03:39
21 San Francisco, JCCP No. 4955.

22 This deposition is being held at Veritext
23 Conference Center, located at 160 Pine Street,
24 Suite 710, in San Francisco, California.

25 My name is Soufou Lee, from the firm 10:03:57

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1 Veritext Legal Solutions, and I'm the videographer. 10:03:59
2 The court reporter is Catherine Ryan.
3 I am not related to any party in this
4 action, nor am I financially interested in the
5 outcome. 10:04:08
6 Counsel and all present in the room and
7 everyone attending remotely will now state your
8 appearances and affiliations for the record.
9 If there are any objections to proceeding,
10 please state them at the time of your appearance, 10:04:17
11 beginning with the noticing attorney.
12 MR. CAMPORA: Good morning. Steve Campora
13 for various individual plaintiffs.
14 MR. PITRE: Buongiorno. Frank Pitre for
15 the plaintiffs. 10:04:27
16 MR. EVERAKES: Good morning. Jordan
17 Everakes for various subrogating plaintiffs.
18 MS. NORTH: Good morning. Julie North,
19 Cravath, Swaine & Moore, for PG&E and the witness.
20 MS. PATERNO: Beatriz Paterno, Cravath, 10:04:39
21 Swaine & Moore, on behalf of the witness and PG&E.
22 MR. CAMPORA: On the phone we have Craig?
23 MR. SIMON: Craig Simon, Berger Kahn, on
24 behalf of plaintiffs.
25 MR. CAMPORA: Sally? 10:04:50

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1 MS. NOMA: Sally Noma, subrogating 10:04:52
2 plaintiffs.
3 MR. CAMPORA: Robert?
4 MR. JACKSON: Robert Jackson on behalf of
5 individual plaintiffs. 10:04:58
6 MR. CAMPORA: Mickey? Mickey McGuire, are
7 you still on the phone?
8 MR. MCGUIRE: I'm sorry. I had my mute
9 on. Mickey McGuire on behalf of individual
10 plaintiffs. 10:05:15
11 MR. CAMPORA: Britt?
12 MS. STROTTMAN: Britt Strottman, Baron &
13 Budd, for public entity plaintiffs.
14 MR. CAMPORA: Anybody else on the phone?
15 (No response.) 10:05:26
16 THE VIDEOGRAPHER: Thank you.
17 Would the court reporter please swear in
18 the witness.
19 BRIAN JAMES BIANCARDI,
20 having been administered an oath, was examined and 10:05:39
21 testified as follows:
22 EXAMINATION
23 BY MR. CAMPORA:
24 Q Could you state your full name for the
25 record, please, sir. 10:05:42

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1 deposition is? 10:06:25

2 A We've discussed it, yes.

3 Q Okay. During the course of this

4 deposition, if you see where I'm going with a

5 question and you answer before I'm done, your answer 10:06:31

6 will break up the question and the record, and we

7 don't want that to happen. So if you wait until I

8 finish the questions, I'll wait until you finish the

9 answers, okay?

10 A Agreed. 10:06:41

11 Q The oath you just took is the same oath

12 you would take if you were testifying in court.

13 Do you understand that?

14 A I do.

15 Q The same penalties of perjury apply as if 10:06:47

16 you're testifying in court.

17 Do you understand that?

18 A I do.

19 Q During the course of the deposition, if

20 you don't know the answer to a question because you 10:06:52

21 don't -- you don't have the information, tell me you

22 don't have the answer. Don't guess and don't

23 speculate. But if you do have an answer based on

24 the facts that you have and a best estimate, I'm

25 entitled to that. 10:07:05

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1 Do you understand? 10:07:05

2 A I do.

3 Q Do you know the difference between a guess

4 and an estimate?

5 A Yes. 10:07:09

6 Q Good. Okay.

7 It's not an endurance contest. If you

8 want to take a break today, just say you want to

9 take a break, but if there's a question pending, I'm

10 going to ask you to answer that question before we 10:07:20

11 break, okay?

12 A Understood.

13 Q All right. During the course of the

14 deposition, if you don't understand my question, you

15 need to stop me and tell me you don't understand the 10:07:27

16 question, because if you answer it, I'm going to

17 assume you understood it. The record may reflect

18 you understood it. But if you have to go back later

19 and change that answer and tell us you didn't

20 understand the question, then we're going to comment 10:07:37

21 on that and perhaps -- perhaps affect your

22 credibility.

23 Do you understand that?

24 A I do.

25 Q Okay. When the deposition is over, it's 10:07:42

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1 typed into a booklet form. You get a chance to read 10:07:45
2 and review your testimony, make any changes to that
3 testimony you think are appropriate. You can't
4 change the questions, but you can change your
5 answers. But if you make a change, I can comment 10:07:53
6 it -- on it or any other attorney in this room can
7 comment on it and perhaps suggest you're being less
8 than honest.

9 Do you understand that?

10 A I do. 10:08:01

11 Q Okay. Any reason why you can't go forward
12 and give us your best testimony?

13 A No.

14 Q You're not sick? You haven't taken any
15 narcotics? You're good to go? 10:08:10

16 A That's correct.

17 Q Okay. What's your educational background?

18 A BS in public affairs, Indiana University,
19 2000; MBA, Golden Gate University, 2010; certified
20 arborist since 2006; certified project manager. 10:08:35

21 Q What did you do in order to obtain your
22 certificate as a certified arborist?

23 A The International Society for
24 Arboriculture has a exam, which I sat for and
25 passed. 10:09:03

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1 Q Did you take any classes before taking the 10:09:04
2 exam?
3 A No, on-the-job training.
4 Q So you didn't attend any seminars? You
5 didn't have any text, notebooks, anything like 10:09:12
6 that?
7 A There were texts. There were notebooks.
8 There's a study manual that is issued by the ICA
9 (sic), the International Society for Arboriculture.
10 Q Did you have any in-field training before 10:09:25
11 you took your test as a certified arborist?
12 A On-the-job training, yes.
13 Q Who provided -- who was your supervisor
14 when you got on -- on-the-job training to become a
15 certified arborist? 10:09:38
16 A Bob -- or Robert Urban.
17 Q Is that when you worked for ACRT?
18 A It was, yes.
19 Q Are you a certified utility arborist or
20 just a certified arborist? 10:09:55
21 A I'm no longer a certified utility
22 specialist; however, I was. I did not -- did not
23 renew that certification.
24 Q Okay. When -- during what years were you
25 a certified utility arborist? 10:10:04

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1 A 2006 or '7 to 2011 or '12. I don't have 10:10:15
2 the exact dates.

3 Q You also said you were a certified project
4 manager --

5 A That's correct. 10:10:30

6 Q -- is that right?

7 Who was that certificate issued by?

8 A Through the Project Management Institute,
9 PMI.

10 Q When did you obtain that certificate? 10:10:37

11 A In 2009.

12 Q Any other certificates that you hold?

13 A No.

14 Q Other than a driver's license, have you
15 held any licenses in the state of California? 10:10:50

16 A Not to my knowledge.

17 Q When you got your degree in public affairs
18 at Indiana, did you take any classes in
19 arboriculture?

20 A I did not. 10:11:04

21 Q And I take it, when you got an MBA at
22 Golden Gate, you didn't take any classes in
23 arboriculture?

24 A That's correct.

25 Q Is it correct, sitting here today, that 10:11:12

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1 you haven't had any training or education regarding 10:11:15
2 arboriculture, other than on-the-job training at
3 either ACRT or PG&E?

4 A That's -- that's correct. I did have a
5 course -- week-long course with ACRT in Ohio in 10:11:25
6 2005.

7 Q Is that the course that you took before
8 you became -- they sent you to the field?

9 A That was classroom time and -- and field
10 time, yes. 10:11:42

11 Q At the beginning of your job?

12 A No, in the -- in the middle of my job,
13 2005, with -- with ACRT.

14 Q Okay. And that lasted how many days?

15 A That was a week-long course. 10:11:51

16 Q And was there an ACRT training manual?

17 A There was.

18 Q You still have it?

19 A I don't believe so.

20 Q That's okay. I have one. 10:12:04

21 Give me your employment history since
22 college.

23 A After graduating college, I worked for
24 Enterprise Rent-a-Car in Washington State. After
25 that, I worked for Climax Climbing Gear in Portland, 10:12:25

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1 Oregon. After that, I spent two years working -- 10:12:32
2 volunteering with the Peace Corps in Nepal. After
3 that, I worked at a bicycle shop in Seattle for a
4 few months before being hired on to ACRT.

5 Q I take it, at Enterprise, you didn't gain 10:12:56
6 any experience with regard to arbor- --
7 arboriculture, did you?

8 A No.

9 Q And with Climax, you didn't gain any
10 experience or training with regard to arboriculture, 10:13:06
11 did you?

12 A A lot of the climbing training that
13 happens in rock climbing is transferable over to
14 tree climbing.

15 Q Okay. Well, so did you -- were you -- 10:13:17
16 anything in your work at Climax help you identify
17 facility-protect trees?

18 A No.

19 Q What about when you were in the Peace
20 Corps; anything there transfer as -- with regard to 10:13:30
21 experience in arboriculture?

22 A Yes. I was a environmental awareness
23 volunteer, working on various forestry projects.

24 Q Tell me what you did.

25 A I worked with a local school, taught 10:13:49

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1 substitute science for eighth grade in Nepal, worked 10:13:52
2 with a local small conservation and forestry
3 department with the local district of -- of Rasuwa
4 in -- in the mountains of Nepal and formed a nature
5 club where we built a tree nursery and used that 10:14:11
6 tree nursery to stabilize landslides.

7 Q Okay. Are the trees in Nepal similar to
8 the trees in California?

9 A Similar species.

10 Q Similar species? 10:14:29

11 A Similar species, yes.

12 Q Okay. So Ponderosa Pine, for example?

13 A A pine tree.

14 Q Okay. Gray Pine?

15 A No. 10:14:34

16 Q Valley Oak? Valley Oak?

17 A No.

18 Q Blue Oak?

19 A No.

20 Q Live Oak? 10:14:40

21 A No.

22 Species, not -- not genus. Sorry.

23 Q I understand.

24 How about when you worked for the bicycle
25 shop; I take it no experience there relating to 10:14:51

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1 arboriculture, true? 10:14:53

2 A No.

3 Q That's correct?

4 A That's correct.

5 Q And then you went to work for ACRT in what 10:14:57

6 year?

7 A In 2004.

8 Q In what capacity?

9 A As an inspector.

10 Q So PI? 10:15:07

11 A I started with a contract with Florida

12 Power & Light, so the terminology was different.

13 Q Is it the equivalent of a PI?

14 A Yes.

15 Q And when I say "PI," you understand I'm 10:15:17

16 talking about what PG&E calls a "pre-inspector"?

17 A Yes.

18 Q So your job duties would have been to go

19 out and inspect lines and looking for vegetation

20 issues? 10:15:28

21 A Yes.

22 Q How long did you do that?

23 A I was employed with ACRT from December of

24 2004 until March 27th of 2007.

25 Q And at all times when you worked for ACRT, 10:15:39

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1 BY MR. CAMPORA: 10:17:22

2 Q If you know?

3 A I'm unsure of their exact training

4 practices.

5 Q Okay. Did you receive -- when you worked 10:17:28

6 for ACRT, did you receive any training from any PG&E

7 employees?

8 A I worked with PG&E employees as a

9 pre-inspector and as a supervisor with ACRT.

10 Q Yeah, but my question is different. 10:17:55

11 My question is: Did any PG&E employees

12 provide you with any training while you worked at

13 ACRT?

14 A I -- I believe so.

15 Q Who? 10:18:06

16 A At the time, the local supervisor was Doug

17 McPherson, and the local vegetation program

18 manager -- or they called them at the time

19 "foresters" -- was Dee McDonough.

20 Q What training did Mr. McPherson give you? 10:18:28

21 A And the PG&E staff at the time would --

22 would routinely review procedures with local staff.

23 Q What procedures did Doug McPherson review

24 with you?

25 A I can't recall which exact procedure. 10:18:42

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1 Q What about Mr. -- is that Mr. McDonough or 10:18:44
2 Ms. McDonough?
3 A Ms.
4 Q What training did Ms. McDonough give you?
5 A Equivalent procedures. 10:18:54
6 Q Equivalent to what?
7 A Equivalent to what Mr. McPherson ...
8 Q The ones you can't remember?
9 A Exactly.
10 Q Any other PG&E employees give you any 10:19:02
11 other training, to your knowledge?
12 A Not to my knowledge.
13 MS. NORTH: I should have objected to that
14 as vague.
15 MR. CAMPORA: I probably should mark both 10:19:34
16 of those in that order.
17 (Exhibit 0070-001 and Exhibit 0070-002
18 were marked for identification by the
19 court reporter.)
20 MS. NORTH: Thank you. 10:19:38
21 MR. CAMPORA: This witness is Witness 70,
22 and we have just marked Exhibits 1 and Exhibit 2 to
23 this deposition, so it's Exhibit 70-001 and
24 Exhibit 70-002.
25 Q I've put in front of you, sir, a 10:19:59

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1 deposition notice which has now been marked as 10:20:01
2 Exhibit 70-001.
3 Have you seen this notice before?
4 A I have.
5 Q When did you first see it? 10:20:07
6 A Monday.
7 Q Monday, January the --
8 A Fourteenth.
9 Q -- 14th?
10 A That's correct. 10:20:20
11 Q Did you see that this notice required the
12 production of various documents --
13 A I did.
14 Q -- starting on page 4?
15 Did you review those document requests? 10:20:31
16 A Can you repeat the question?
17 Q Sure.
18 If you look at page 4, there's a document
19 request on this -- in this notice, and they're
20 Document Requests 1 through 7. 10:20:48
21 Did you see those document requests?
22 A I did see this document request, yes.
23 Q Did you review the document request?
24 A I did review the document request.
25 Q What did you do, if anything, to make sure 10:21:02

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1 the documents responsive to these requests were 10:21:04
2 produced?

3 A For this, I verified with counsel.

4 Q So what did you do? Did you go back and
5 look on the computer or in any databases that you 10:21:25
6 have to see whether all documents responsive to
7 these requests were produced?

8 A I did not.

9 Q Did you check to see if there were
10 documents that were responsive to these requests on 10:21:33
11 your database?

12 A I did not.

13 Q Okay. So you did nothing with regard to
14 finding documents to produce here today; is that
15 true? 10:21:41

16 MS. NORTH: Objection. Argumentative.

17 THE WITNESS: I was told that these
18 documents were produced.

19 BY MR. CAMPORA:

20 Q Okay. My question, sir, is: Did you do 10:21:46
21 anything to verify that yourself, since you're the
22 one here testifying under penalty of perjury?

23 A No.

24 MS. NORTH: Objection. Argumentative.

25 //

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1 BY MR. CAMPORA: 10:21:54

2 Q Okay. So sitting here today, you don't

3 know, of your own knowledge, whether these documents

4 were produced or not, true?

5 MS. NORTH: Objection. Argumentative. 10:22:00

6 THE WITNESS: Not necessarily.

7 BY MR. CAMPORA:

8 Q Okay. Well, so tell me which documents

9 that you know that respond to these seven requests

10 were produced. 10:22:08

11 A Again, it is my understanding that I've

12 been assured through my employer that these were

13 produced.

14 Q I'm not asking you what somebody else told

15 you. I'm asking you what you did. 10:22:17

16 Sitting here today, you have no personal

17 knowledge that any of these documents were produced,

18 do you?

19 MS. NORTH: Objection. Asked and

20 answered. 10:22:25

21 BY MR. CAMPORA:

22 Q Correct?

23 A Again, not necessarily.

24 Q Okay. Well, tell me what personal

25 knowledge you have that any one document was 10:22:32

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1 produced. 10:22:35

2 A May I ask how you expect me to exemplify

3 that?

4 Q Do you know what "personal knowledge" is?

5 A I do. 10:22:47

6 Q Okay. It means that you either saw it

7 being produced, confirmed it was produced, saw the

8 list of documents that was produced.

9 So do you have personal knowledge that any

10 document responsive to these requests was produced? 10:22:55

11 A Yes. Again --

12 Q Which ones?

13 A -- I was ...

14 Q Okay. Being told doesn't count as

15 personal knowledge. 10:23:05

16 MS. NORTH: Objection. You're being

17 argumentative.

18 MR. CAMPORA: No, I'm not.

19 MS. NORTH: Yes, you are.

20 BY MR. CAMPORA: 10:23:09

21 Q Who told you -- who told you all the

22 documents were produced?

23 A Counsel told me.

24 Q Okay. So all you know is what counsel

25 told you, right? 10:23:14

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1 A I have reviewed with counsel these audits. 10:24:11

2 Q Okay. So when you review the audit, the

3 audit doesn't say where the FPT tree is, does it?

4 A The audit report does not say where the

5 FPT tree is. 10:24:28

6 Q Okay. So what did you do to identify the

7 location of each FPT tree identified in those

8 audits?

9 A We reviewed a number of them -- of the

10 locations using the work request and the field data 10:24:37

11 sheets.

12 Q When you say "we," you mean you and your

13 lawyer?

14 A The two counsel sitting next to me.

15 Q Okay. Did you review it with any other 10:24:48

16 employees of PG&E?

17 MS. NORTH: Objection. Vague.

18 BY MR. CAMPORA:

19 Q Do you understand my question?

20 A There were other folks that I've spoken to 10:24:59

21 in prep- -- in preparation for this.

22 Q Okay. So for this category, what

23 employees, if any, from PG&E did you speak with?

24 A For this category, I spoke with Eric

25 Oldford. 10:25:13

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1 Q Anyone else? 10:25:19

2 A No.

3 Q Did Mr. Oldford give you the location of
4 any FPT tree that was identified in any of those
5 audits?

10:25:33

6 A The locations were provided in the field
7 data sheets.

8 Q Who gave you the field data sheets to
9 review?

10 A Counsel.

10:25:52

11 Q Do you not know where the field data
12 sheets are at PG&E?

13 A I do not have -- yes, I do know where they
14 are.

15 Q Okay. But you relied on your lawyer to
16 give you the documents?

10:26:00

17 A Yes.

18 MS. NORTH: Objection. Argumentative.

19 BY MR. CAMPORA:

20 Q So other than talking to your lawyer and
21 looking at documents given to you by your lawyer and
22 talking to Mr. Oldford, did you do anything else to
23 prepare to answer the questions in category 1?

10:26:07

24 A No.

25 Q Category 2 is: "The nature of the WORK,

10:26:20

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1 if any, prescribed for each FPT tree identified in 10:26:22
2 the following audits," and, again, it lists the one,
3 two -- five audits.

4 Do you see that?

5 A I do. 10:26:32

6 Q And it says that "WORK" means cutting,
7 trimming, removal, or inspection of the subject
8 tree.

9 Did you understand that when you read it?

10 A I do. 10:26:39

11 Q Okay. What did you do to prepare to
12 testify in this category?

13 A To understand the nature of the work, you
14 need to understand the trim code assigned by the
15 inspector, and those are available on the work 10:26:51
16 requests.

17 Q Okay. So what documents did you review to
18 prepare to testify?

19 A The work request associated with the field
20 data sheets that list the locations and trees for 10:27:06
21 these audits.

22 Q Okay. And where did you get the documents
23 to review?

24 A From counsel.

25 Q Were those documents not available to you 10:27:15

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1 at PG&E? 10:27:16

2 MS. NORTH: Objection. Argumentative.

3 THE WITNESS: Those documents are

4 available to me.

5 BY MR. CAMPORA: 10:27:21

6 Q Okay. But the only documents you looked
7 at were the ones given to you by counsel; is that
8 true?

9 A That's correct.

10 Q Did you review PG&E database to see if 10:27:29
11 there were any other documents available?

12 MS. NORTH: Objection. Vague.

13 BY MR. CAMPORA:

14 Q Do you understand my question?

15 A Yes, I do. 10:27:40

16 Q Okay. Did you review the PG&E database to
17 see if there were any other documents available to
18 provide information on this topic?

19 A Yes. There --

20 MS. NORTH: Objection. Vague. 10:27:49

21 Go ahead.

22 THE WITNESS: There was one location where
23 I did search the database.

24 BY MR. CAMPORA:

25 Q Okay. What database did you search? 10:27:55

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1 BY MR. CAMPORA: 10:28:37

2 Q So the -- the entirety of the information
3 you have to respond to this cat- -- category comes
4 from documents given to you by counsel, with the
5 exception of one location, true? 10:28:44

6 A That's correct.

7 Q Number 3: "The date and time when WORK,
8 if any, was performed on each FPT tree, identified
9 in the following audits," and, again, there are five
10 audits listed. 10:28:57

11 Do you see that?

12 A I do.

13 Q What did you do to prepare to answer
14 questions on category 3?

15 A The date and time for work in -- 10:29:07
16 associated with these audits is, again, on the work
17 requests, which were, again, provided by counsel.

18 Q Did you review any documents on the PG&E
19 database yourself to determine -- to obtain
20 information to answer questions regarding 10:29:24
21 category 3?

22 A None except for the location I stated
23 earlier.

24 Q Okay. So the sum -- did you talk to any
25 employees to get information regarding category 3? 10:29:35

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1 A I did not. 10:29:37

2 Q So the sum and substance of your basis of
3 information is documents given to you by counsel
4 with the exception of your review of one location on
5 the PG&E database, true? 10:29:46

6 MS. NORTH: Objection.

7 THE WITNESS: That's correct.

8 BY MR. CAMPORA:

9 Q Number 4: "The date and time when WORK,
10 if any, was performed on each FPT tree, identified 10:29:55
11 in the following audits."

12 And just so we have a clear record,
13 category 3 was work performed after the subject
14 audit. Category 4 was work performed before the
15 subject audit. 10:30:09

16 Did you understand that when you were
17 preparing?

18 A I do understand that, yes.

19 Q Okay. What information -- what documents
20 did you review in preparing to testify here today as 10:30:15
21 to category number 4?

22 A Again, to understand if work was performed
23 and the date and time, you need to look at the work
24 requests, which were provided by counsel.

25 Q And did you look at any part of PG&E's 10:30:29

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1 database independent of counsel? 10:30:33

2 MS. NORTH: Objection. Vague.

3 BY MR. CAMPORA:

4 Q Do you know what "independent of counsel"

5 means? 10:30:39

6 A I do.

7 Q Okay.

8 A And the answer is "No."

9 Q So, again, the sum and sub- -- oh, strike

10 that. 10:30:45

11 Did you speak with any PG&E employees in

12 order to obtain information regarding category

13 number 4?

14 A No.

15 Q So the sum and substance of your 10:30:52

16 information here today, as the person most qualified

17 from PG&E, is documents given to you by your lawyer,

18 right?

19 MS. NORTH: Objection. Argumentative.

20 THE WITNESS: That's correct. 10:31:03

21 BY MR. CAMPORA:

22 Q Number 5: "The segments of each circuit

23 which were inspected as... part of" any "of the

24 following audits," and there are, again, five audits

25 listed. 10:31:15

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1 Do you see that? 10:31:16

2 A I do.

3 Q Okay. What did you do to prepare yourself

4 to testify as to category number 5?

5 A I reviewed the segments of each circuit 10:31:28

6 which were inspected or audited as part of these

7 quality assurance audits.

8 Q Okay. So when you say "the segments,"

9 you're talking about the source-side device

10 segments? 10:31:43

11 A That's correct, the source-side device

12 segments, the protection zones.

13 Q So is it your understanding that the audit

14 is done by selecting, randomly, source-side devices?

15 MS. NORTH: Objection. Outside the scope. 10:31:54

16 BY MR. CAMPORA:

17 Q Do you understand my question?

18 A I do understand your question.

19 Q Is that -- is that what happens?

20 A That -- that is correct. 10:31:58

21 MS. NORTH: Objection. Outside the scope.

22 BY MR. CAMPORA:

23 Q Okay. And so the segments that are

24 inspected are the randomly selected source-side

25 device, assuming it's aboveground, right? 10:32:04

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1 MS. NORTH: Objection. Outside the scope. 10:32:07

2 THE WITNESS: That's correct.

3 BY MR. CAMPORA:

4 Q And you -- an inspection takes place from
5 that source-side device to either the next 10:32:12
6 source-side device or to the end of the line, true?

7 MS. NORTH: Objection. Outside the scope.

8 THE WITNESS: Correct.

9 BY MR. CAMPORA:

10 Q Okay. And did you understand that when 10:32:20
11 you were preparing to talk about each segment -- or
12 the segment of each circuit which was inspected as
13 part of the following audits?

14 MS. NORTH: Objection. Vague.

15 BY MR. CAMPORA: 10:32:30

16 Q Do you understand my question?

17 A I do.

18 Q Okay.

19 A Yes.

20 Q Okay. So did you familiarize yourself 10:32:33
21 with the source-side device segments that were
22 inspected?

23 MS. NORTH: Objection. Vague.

24 THE WITNESS: Yes. We were provided with

25 a list of source-side devices. 10:32:49

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1 BY MR. CAMPORA: 10:32:52

2 Q When you say "we were provided with a
3 list," who gave you the list?

4 A Counsel.

5 Q Was it given to you on a PG&E document or 10:32:58
6 a document prepared by counsel, if you know?

7 A I believe it was a PG&E-prepared document.

8 Q Who gave it to you?

9 A Counsel.

10 Q Did you look on any PG&E databases, 10:33:12
11 independent of counsel, to determine any of the
12 information you are relying upon to testify here
13 today?

14 MS. NORTH: Objection.

15 THE WITNESS: I did not. 10:33:23

16 BY MR. CAMPORA:

17 Q Okay. So all the information that you're
18 basing your testimony on today was contained in
19 documents provided to you by your lawyer; is that
20 right? 10:33:28

21 A That's correct.

22 MS. NORTH: Objection. Argumentative.

23 BY MR. CAMPORA:

24 Q In part of paragraph -- of category 5, it
25 says: Plaintiff under- -- "Plaintiffs understand 10:33:39

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1 that the audits involved inspections of portions of 10:33:41
2 a circuit from an SSD to the next SSD or from an SSD
3 to the end of the line."

4 Did you read that part of the notice?

5 A I did. 10:33:52

6 Q Then it says: "The witness should be
7 prepared to identify SSDs used in the audit by
8 number or other specific means of identification."

9 Did you see that part of the notice?

10 A I did. 10:34:04

11 Q Did you prepare yourself to be able to
12 identify the SSDs used in the audit by number or by
13 other specific means of identification?

14 A I did.

15 Q For example, do you know which circuits 10:34:12
16 they were on?

17 A Yes.

18 Q Category 6 is: "The definition of an"
19 F- -- "FPT tree, used by Pacific Gas & Electric
20 Company, in its Quality Assurance Program, from 10:34:29
21 January 1, 2015 to the present."

22 Did you read that definition -- or that
23 category, sir?

24 A I did.

25 Q What did you do to prepare yourself to 10:34:40

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1 testify here today as to the definition of an FF -- 10:34:41
2 FPT tree used by Pacific Gas & Electric Company from
3 January 1, 2015, to present?

4 A Yes. I reviewed procedures that list the
5 definition of a facility-protect tree. In addition, 10:34:54
6 I reviewed GO 95/Rule 35 language and Public
7 Resource Code 4293 language around hazard trees.

8 Q Did you know the definition before you
9 reviewed those items in preparation to testify here
10 today? 10:35:19

11 A I did.

12 Q How did you know it?

13 A Experience.

14 Q Okay. So tell me, in your own words,
15 based on your experience, what the definition of an 10:35:28
16 "FPT tree" is.

17 A Sure.

18 A facility-protect tree is a tree that has
19 the ability to strike our facilities and is either
20 dead, diseased, decayed or decadent or portions 10:35:44
21 thereof the tree.

22 Q Dead, diseased?

23 A Dead, diseased, decadent or decaying, or
24 portions thereof that are diseased, dead, decadent,
25 or decaying. 10:36:07

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1 Q Do you know whether or not a green, 10:36:12
2 healthy tree can be an FPT tree?
3 A No.
4 Q "No," you don't know or "No," it's not?
5 A No, a green, healthy tree cannot be an 10:36:22
6 FPT.
7 Q Do you know who Steve Tankersley is?
8 A I do.
9 Q Have you ever spoken with Mr. Tankersley
10 about what the definition of an FPT tree is? 10:36:31
11 A I have not.
12 Q Mr. Tankersley ever tell you that a green,
13 healthy tree can be an FPT tree?
14 A I have not had that conversation with
15 Steve. 10:36:40
16 Q Does the definition of "FPT tree"
17 intrude -- include trees with structural issues;
18 that is, for example, a tree that has maybe a 5-inch
19 diameter at breast height but is 44 feet tall?
20 A A tree that is -- can you repeat the 10:36:55
21 question?
22 Q Sure.
23 I'm asking whether F- -- the definition of
24 "FPT trees" would include trees with structural
25 issues; that is, the diameter at breast height, for 10:37:04

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1 example, would be 4 or 5 inches, but it might be 10:37:08
2 44 feet tall so that -- such that the structure
3 causes an issue.

4 MS. NORTH: Objection. Hypothetical.

5 THE WITNESS: It is my understanding that 10:37:16
6 if a tree has structural issues, then it can no
7 longer be healthy.

8 BY MR. CAMPORA:

9 Q Okay. So under your education and
10 training, you think a tree with structural issues is 10:37:23
11 not a healthy tree?

12 A That's correct.

13 Q Have you been told that by people at PG&E?

14 MS. NORTH: Objection. Outside the scope.

15 THE WITNESS: That's my understanding. 10:37:32

16 BY MR. CAMPORA:

17 Q Okay. So your definition of "FPT trees,"
18 where it says -- you said dead, diseased, decadent,
19 decay, or portions thereof. You didn't use the word
20 "healthy." 10:37:47

21 So what I'm -- I'm asking you: In your
22 definition that you gave me, does a tree with
23 structural issues fall within that definition?

24 A You asked for our definition --

25 Q Right. 10:37:58

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1 A -- for an "FPT tree," and that is what I 10:37:58
2 gave you.

3 Q Okay.

4 A It doesn't include the word "healthy" in
5 that definition. 10:38:05

6 Q Okay. Nor does it saying anything about
7 structure.

8 You said: Dead, diseased, decadent, or
9 decay, or portions thereof, right?

10 A That's correct. 10:38:12

11 Q Okay. So does -- do FPT trees include
12 trees with structural issues?

13 A Yes.

14 Q Okay. So how does that fit in the
15 definition? 10:38:21

16 A I believe it also states that if there is
17 ground or root disturbance, which would fall under
18 the category of a structural issue.

19 Q Okay. What's "ground disturbance"?

20 A If a tree is uprooting, for instance, if 10:38:34
21 the root ball is coming out, that would be
22 considered a structural issue.

23 Q Okay. So you -- you said "ground or root
24 disturbance."

25 That's basically the same thing, right? 10:38:46

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1 identification by the court reporter.) 10:39:51

2 MS. NORTH: Thank you.

3 THE WITNESS: Let me refine that last

4 answer. You said a tree with a structural issue

5 does not fall into the definition. 10:39:59

6 A ground or root disturbance is a type of

7 structural issue, and that -- that is in the

8 definition.

9 BY MR. CAMPORA:

10 Q Sir, actually, what I said was, if it 10:40:07

11 doesn't involve the root or the root ball but it has

12 a structural issue aboveground, it doesn't fall

13 within your definition, and you said that was

14 correct.

15 A That is correct. 10:40:16

16 Q Are you changing that answer?

17 MS. NORTH: Objection. Argumentative.

18 THE WITNESS: I'm defining that answer.

19 BY MR. CAMPORA:

20 Q Right. Your -- but your definition 10:40:20

21 includes problems with the root or the root ball.

22 A That is the definition on the procedures

23 that I reviewed.

24 Q Okay. So is anybody, to your knowledge,

25 in doing the audits, looking for trees that have 10:40:29

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1 structural issues above the root or the root ball? 10:40:32

2 MS. NORTH: Objection. Outside the scope.

3 Vague.

4 THE WITNESS: We hold our contractors to

5 the procedures. 10:40:42

6 BY MR. CAMPORA:

7 Q Okay. That's a fine answer, but it

8 doesn't answer my question.

9 My question specifically was -- to you,

10 was: In the categories of audits, is there anybody 10:40:50

11 looking for trees that have structural issues above

12 the root ball?

13 MS. NORTH: Objection. Outside the scope.

14 THE WITNESS: There is -- we have a

15 reliability program that focuses on removing trees 10:41:00

16 that have a likelihood. Those -- that reliability

17 program is a separate scope from our compliance

18 program and is based off of years of data collected

19 through outage investigations. So what we do is we

20 look at outages, once they happen, based on tree 10:41:24

21 failure, look at tree failure patterns based on

22 species, and then we go and look at removal of areas

23 that have high outage counts -- source-side devices

24 that have high outage counts and look at removing

25 trees based on that scope. 10:41:41

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1 MR. CAMPORA: Move to strike as 10:41:45
2 nonresponsive.
3 Q Sir, we're going to get done faster here
4 today if you listen to my question and answer what
5 I've asked you, okay? 10:41:51
6 MS. NORTH: I --
7 BY MR. CAMPORA:
8 Q So my question to you is: Sitting here
9 today, are you aware of any inspector --
10 pre-inspector who's looking for structural -- not 10:41:57
11 dead, diseased -- I'm not talking about those parts.
12 I'm talking about structural defects above the root
13 ball.
14 Are you aware of any pre-inspector looking
15 for structural defects? 10:42:11
16 MS. NORTH: Objection. Outside the scope.
17 His prior answer was completely responsive.
18 You can go ahead and answer that question
19 again.
20 THE WITNESS: My understanding is that our 10:42:19
21 inspectors follow the procedures given to them.
22 BY MR. CAMPORA:
23 Q Okay. Well, they're given definitions of
24 "FPT trees," right?
25 MS. NORTH: Objection. This is outside 10:42:27

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1 the scope. 10:42:28

2 BY MR. CAMPORA:

3 Q Correct?

4 A They are.

5 Q They are given "contact" definitions? 10:42:30

6 MS. NORTH: Same objection.

7 BY MR. CAMPORA:

8 Q Correct?

9 A They are given def- -- the definition --

10 the same definition that I gave you. 10:42:36

11 Q No. Listen to my question.

12 They're given the definition for "FPT,"

13 true?

14 MS. NORTH: Objection. Outside the scope.

15 BY MR. CAMPORA: 10:42:43

16 Q Yes?

17 A They're given a definition for an FPT,

18 true.

19 Q They're given training on what a "contact

20 tree" is, right? 10:42:49

21 MS. NORTH: Outside the scope.

22 THE WITNESS: Can you define a "contact

23 tree" for me?

24 MR. CAMPORA: Sure.

25 Q Do you not know what a "contract tree" is? 10:42:54

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1 BY MR. CAMPORA: 10:43:26

2 Q They look for trees that are closer than

3 18 inches, right?

4 A Depending on the area of where they're

5 looking, yes. 10:43:31

6 Q Sure.

7 MS. NORTH: Please give me a chance to

8 object.

9 Outside the scope.

10 BY MR. CAMPORA: 10:43:34

11 Q They look for trees less than 4 feet,

12 right?

13 MS. NORTH: Outside the scope.

14 THE WITNESS: Yes.

15 BY MR. CAMPORA: 10:43:37

16 Q They look for trees that won't hold for 90

17 days, right?

18 MS. NORTH: Same objection.

19 THE WITNESS: The inspectors or the

20 auditors, sir? 10:43:43

21 MR. CAMPORA: Both.

22 THE WITNESS: The --

23 MS. NORTH: Objection. Outside the scope.

24 THE WITNESS: Part of the scope of the

25 auditors are to look for trees that won't hold for 10:43:50

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1 90 days. 10:43:52

2 BY MR. CAMPORA:

3 Q Okay. They look for multiple woody stems,

4 right?

5 MS. NORTH: Objection. Outside the scope. 10:43:56

6 Vague.

7 THE WITNESS: You're asking if the

8 inspectors or the auditors are looking for major

9 woody stems?

10 MR. CAMPORA: Okay. Yes. 10:44:08

11 Q Do they look for those?

12 MS. NORTH: Objection. Outside the scope.

13 THE WITNESS: The -- yes.

14 MR. CAMPORA: Okay.

15 THE WITNESS: Major woody stem is an 10:44:15

16 exemption given by Cal Fire for trees that have

17 major wood within the compliance zone.

18 BY MR. CAMPORA:

19 Q So which category includes trees with

20 structural defects above the root ball? 10:44:26

21 MS. NORTH: Objection. Outside the scope.

22 THE WITNESS: Which category out of major

23 woody stem, contacts --

24 BY MR. CAMPORA:

25 Q Out of all the -- out of the four -- of 10:44:35

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1 the categories we just went through that inspectors 10:44:36
2 and auditors look for, I want to know which category
3 a tree with a structural defect above the root ball
4 would fall in.
5 MS. NORTH: Objection. Outside the scope. 10:44:49
6 THE WITNESS: None of those.
7 BY MR. CAMPORA:
8 Q Now --
9 A Nor is the --
10 Q -- let's look at Exhibit -- 10:44:58
11 MS. NORTH: You're not finished with your
12 answer.
13 Steve, you're interrupting him.
14 If you have something to add, please do.
15 THE WITNESS: Nor does the law talk about 10:45:06
16 structural defects.
17 MR. CAMPORA: Yeah.
18 Q We don't want to kill people, right?
19 MS. NORTH: Objection. Argumentative.
20 BY MR. CAMPORA: 10:45:12
21 Q True? We're trying not to kill people,
22 right?
23 A Yes, I'm trying not to kill people; that
24 is correct.
25 Q All right. So let's look at 10:45:17

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1 Exhibit 70-003, page 7 of 9, Bates No. -5658. 10:45:19

2 Well, first of all, do you know what this
3 document is that I've handed to you?

4 MS. NORTH: Does your copy have Bates
5 numbers on the bottom of it, because mine -- 10:45:40

6 THE WITNESS: It does, yes.

7 MS. NORTH: Okay. It just got cut off in
8 the copying.

9 THE WITNESS: But you're not looking for
10 the Bates number. You're looking for the -- 10:45:48

11 MR. CAMPORA: I gave you both, actually.
12 So, first, just look at the document itself.

13 Let's just take a break for a minute.
14 Take a -- go ahead and take a look at that document,
15 and if you want to get up and stretch your legs, 10:45:58
16 that's fine.

17 THE VIDEOGRAPHER: The time is 10:45 a.m.
18 We're off the record.

19 (Recess.)

20 THE VIDEOGRAPHER: The time is 10:50 a.m. 10:50:57
21 We're back on the record.

22 BY MR. CAMPORA:

23 Q So we have a clear record, this is
24 Exhibit -- Witness 70 - Exhibit 3, and the metadata
25 sheet on here just says where the document -- which 10:51:08

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1	A	That is correct.	10:51:58
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2 Q Mr. Tankersley, at the time, was the
3 vegetation management senior operations manager,
4 true?

5 | A That's correct. | 10:52:03

6 Q Okay. I have seen emails with -- that you
7 sent or were sent to you regarding some question
8 about whether or not the definition, which is on
9 page 7 of 9, applied to guy wires.

10 Do you remember that conversation? 10:52:22

11 MS. NORTH: Objection. I'm just going to
12 impose the objection that I think we've agreed that
13 emails are not going to be the subject of these
14 depositions.

15 MR. CAMPORA: No -- 10:52:33

16 MS. NORTH: Go ahead.

17 MR. CAMPORA: -- we agreed you didn't have
18 to produce the emails. We didn't agree I wasn't
19 going to ask him about it if it's part of the topic.

20 Q Was there -- was there a dispute -- or was 10:52:40

21 | there a conversation between people at PG&E about
22 | whether or not guy wires for poles was included in
23 | this definition?

24 MS. NORTH: Objection for the same reason

25 that I stated. 10:52:50

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1 THE WITNESS: I do not recall. 10:52:52

2 BY MR. CAMPORA:

3 Q Okay. So the -- the highlighted language
4 on page 7 of 9 says: "Facility Protection is work
5 performed to address tree failure, not tree growth." 10:53:04

6 That's a correct statement?

7 A That is correct.

8 Q Okay. It says: "It targets any tree or
9 portions of" that "tree that has the potential to"
10 fall "and come" in "contact with... high voltage 10:53:16
11 conductors before the next scheduled patrol/trim
12 cycle."

13 Did I read that correctly?

14 A You did.

15 Q Is that a definition of facility-protect 10:53:24
16 tree?

17 MS. NORTH: Objection.

18 THE WITNESS: There's more to it than
19 this.

20 BY MR. CAMPORA: 10:53:31

21 Q Okay. Where -- where is it in writing
22 more than this?

23 A I believe if you look at -- excuse me
24 while I find the page -- page 2 of 9, Bates number
25 ending in -5653 under "Procedural Steps 1.1," you'll 10:53:48

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1 find it says: PI and tree -- "... PI and TC," or 10:53:55
2 tree contractor, "will REMOVE or Facility Protect
3 Prune all trees that are dead, show signs of
4 disease, decay or ground/root disturbance that may
5 fall into or otherwise impact the primary conductors 10:54:12
6 or secondary stand-alone."
7 Q Okay. So that is the specific definition
8 of a "facility-protect tree"?
9 MS. NORTH: Objection. Vague.
10 BY MR. CAMPORA: 10:54:21
11 Q Is that your understanding?
12 A That's my understanding, yes.
13 Q So in section 1.3 where it refers to
14 "overhangs," are overhangs part of a
15 facility-protect tree but only if they show -- are 10:54:42
16 dead, diseased, decayed -- is that correct?
17 A That's correct.
18 Q You said earlier that PG&E does
19 investigation based on outages and, previously, some
20 fires and does studies of tree species, true? 10:54:59
21 MS. NORTH: Objection. Outside the scope.
22 THE WITNESS: We investigate outages that
23 are caused by tree failure.
24 MS. NORTH: Thank you.
25 (Exhibit 0052-008 was introduced.) 10:55:20

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1 MR. CAMPORA: It's marked already. 10:55:25

2 Q Have you ever seen this document before,
3 sir?

4 MS. NORTH: I'm just going to state an
5 objection to any questions about it because it 10:55:38
6 appears to be outside the scope.

7 THE WITNESS: I am not familiar with this
8 document.

9 BY MR. CAMPORA:

10 Q Okay. Look at page 10 of 11, Bates 10:56:08
11 No. JCCP 136144. It has previously been marked as
12 Exhibit 52-008. In the middle of that page, there's
13 a paragraph that starts with: "Above-average."

14 Do you see that paragraph?

15 A I do. 10:56:40

16 Q Take a moment and read that paragraph to
17 yourself.

18 (Pause.)

19 A Okay.

20 Q Have you seen that paragraph before today? 10:57:18

21 A I have not.

22 Q Have you ever been told the information in
23 that paragraph before today?

24 A I --

25 MS. NORTH: Objection. Outside the scope. 10:57:24

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1 THE WITNESS: I have not. 10:57:25

2 BY MR. CAMPORA:

3 Q Okay. It says: "Above-average
4 percentages of blue oak, valley oak, and blue gum"
5 trees -- of "blue gum tree failures occur during 10:57:31
6 May," slash, "October," and then it says, paren,
7 "Table 9," comma, "column 1," closed paren.

8 Did I read that accurately?

9 A You did.

10 Q It says: "As the failure profile of these 10:57:42
11 three species is mostly branch failures, it could be
12 cost effective fire" reduction -- "fire-risk
13 reduction work to remove overhanging branches of
14 these species in high-risk areas."

15 Did I read that accurately? 10:57:58

16 A You did.

17 Q Okay. In your understanding of a
18 definition of a "facility-protect tree," would a
19 Valley Oak with a overhaving (sic) bra- --
20 overhanging branch that wasn't diseased, dead, or 10:58:08
21 dying be a facility-protect tree?

22 A It would not.

23 (Exhibit 0070-004 was marked for
24 identification by the court reporter.)

25 MR. CAMPORA: There's an extra copy, 10:58:54

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1 Frank? 10:58:55

2 MR. PITRE: Yeah.

3 BY MR. CAMPORA:

4 Q I'm handing you what's been marked as

5 Exhibit 70-004. This is a copy of an Order to Show 10:58:59

6 Cause Why PG&E's Conditions of Probation Should Not

7 be Modified.

8 Have you ever seen this document before,

9 sir?

10 MS. NORTH: Objection. Outside the scope. 10:59:12

11 THE WITNESS: I have not seen this

12 document.

13 BY MR. CAMPORA:

14 Q If you go to page 2 of the document,

15 paragraph 1, it says: "In light of PG&E's history 10:59:25

16 of falsification of inspection reports, PG&E shall,

17 between now and the 2019 Wildfire Season, re-inspect

18 all of its electrical grid" -- and the part I'm

19 interested in now says: "and remove or trim all

20 trees that could fall" into "its power lines, poles 10:59:44

21 or equipment in high-wind conditions, branches that

22 might bend in high wind" or "hit power lines, poles

23 or equipment and branches that could break off in

24 high wind and fall onto power lines, poles or

25 equipment ...". 10:59:57

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1 Did I read that accurately? 10:59:59

2 A You did.

3 Q So PG&E's definition of "facility-protect

4 tree" would not include all trees that could fall

5 onto its power lines, poles or equipment in 11:00:08

6 high-wind conditions, true?

7 MS. NORTH: Objection. Vague.

8 THE WITNESS: Can you repeat the question?

9 MR. CAMPORA: Sure.

10 Q Un- -- unless the tree was dead, diseased, 11:00:19

11 or decadent, PG&E's definition of "facility-protect

12 trees" would not include all trees that could fall

13 onto its power lines, poles or equipment in

14 high-wind conditions, true?

15 MS. NORTH: Objection. Vague. 11:00:34

16 THE WITNESS: That's correct.

17 BY MR. CAMPORA:

18 Q Okay. The next one says: "... branches

19 that might bend in high wind and hit power lines,

20 poles or equipment ..." 11:00:42

21 PG&E's deposition of -- deposition --

22 testing one, two.

23 PG&E's definition of "facility-protect

24 trees" would not include trees whose branches might

25 bend in high wind and hit power lines, poles or 11:00:54

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1 equipment unless the tree was dead, diseased, or 11:00:56
2 decadent, true?

3 MS. NORTH: Objection. Vague.

4 THE WITNESS: My understanding of this, in
5 reading it for the first time, is that they're 11:01:06
6 asking for any tree with the possibility to fall in
7 high winds, and what I will say is that is
8 impossible to determine which tree will be the next
9 tree that falls into the line, and the only way to
10 do that would be to remove all the trees. 11:01:29

11 MR. CAMPORA: That's another fine answer
12 to a question that wasn't asked.

13 Q So my question to you, sir, is: The
14 "facility-protect" definition that you've given me
15 would not include trees with branches that might 11:01:39
16 bend in high wind and hit power lines unless that
17 tree was dead, diseased, or decadent, true?

18 MS. NORTH: Objection. Vague. Asked and
19 answered.

20 THE WITNESS: That's correct. 11:01:52

21 BY MR. CAMPORA:

22 Q Okay. The next one says: "... branches
23 that could break off in high wind and fall onto
24 power lines, poles or equipment ..."

25 Same issue: Unless the tree was 11:02:02

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1 identified as being dead, diseased, or decadent, 11:02:04
2 that category would not fall within PG&E's
3 definition of "facility-protect," would it?
4 MS. NORTH: Objection. Vague.
5 THE WITNESS: That's correct. 11:02:15
6 BY MR. CAMPORA:
7 Q It would not, true?
8 A It's correct, again. You would need to
9 remove all the trees that have the ability to
10 strike. 11:02:21
11 MR. CAMPORA: Move to strike everything
12 after that's "correct."
13 MS. NORTH: He can give a full answer if
14 he wants.
15 MR. CAMPORA: If it's responsive. 11:02:26
16 MS. NORTH: He's allowed to put his answer
17 into context.
18 (Exhibit 0070-005 was marked for
19 identification by the court reporter.)
20 MR. CAMPORA: 70-005? 11:03:13
21 MS. NORTH: Six.
22 MR. PITRE: Five.
23 MS. NORTH: Oh, really? What was the --
24 MR. CAMPORA: Four, I think. That's what
25 I wrote on it. 11:03:21

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1 MR. PITRE: No, it's the last one. 11:03:23
2 MS. NORTH: No, we're behind one.
3 MR. PITRE: All right.
4 (Simultaneously speaking.)
5 MR. CAMPORA: Let's go through this. 11:03:27
6 MR. PITRE: Hang on. Let's -- let's --
7 let's take a break.
8 MR. CAMPORA: Yeah.
9 MR. PITRE: Let's go through the exhibits
10 and make sure they're all straight, so let's go off 11:03:32
11 the record.
12 THE VIDEOGRAPHER: The time is 11:03 a.m.
13 We're off the record.
14 (Discussion Off the Record.)
15 THE VIDEOGRAPHER: The time is 11:04 a.m. 11:04:38
16 We're back on the record.
17 MR. PITRE: Do you want to square the
18 record, Steve?
19 MR. CAMPORA: I will.
20 So we went off the record to make sure we 11:04:45
21 had correct numbering of exhibits, and the exhibit
22 we're now looking at is Exhibit -- it's correctly
23 Exhibit 70-005.
24 The issue we had was that there was a
25 prior document which had previously been marked as 11:04:56

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1 an exhibit. 11:04:58

2 MR. PITRE: And the Bates numbers, please.

3 MR. CAMPORA: The Bates number on this --

4 it starts -- it's PG&E-NBF-TAR-0000168677, and it's

5 a series of emails. 11:05:11

6 Q Have you ever seen this document before,

7 sir?

8 A I have not.

9 Q Okay. It wasn't provided to you by

10 counsel in preparation for today? 11:05:24

11 A It was not.

12 Q And I want to ask you some questions about

13 the location of FPT trees, and I want to make sure

14 that I understand where they were.

15 This document says at the beginning -- 11:05:35

16 there's an email on the front page from Laurel

17 Reimann.

18 Do you know who Laurel Reimann is?

19 A I do.

20 Q Who is Laurel Reimann? 11:05:43

21 A Laurel Reimann is a vegetation management

22 specialist in our government -- in our support

23 organization within vegetation management.

24 Q Okay. And the email is to Kamran Rasheed

25 and Erin Parks. 11:05:57

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1 Who is Kamran Rasheed? 11:05:59

2 A Kamran Rasheed is a senior manager on the
3 operations side of our vegetation management
4 department.

5 Q And then there's Erin Parks. 11:06:07

6 Who is she?

7 A Erin Parks is a supervisor in our support
8 organization, currently on rotation as a manager in
9 our operations organization.

10 Q And then, finally, April Kennedy. 11:06:21

11 Who is April Kennedy?

12 A April Kennedy is a supervisor within our
13 vegetation management department, currently on
14 rotation as a manager in our operations department.

15 Q And the subject of this email is "Carry-in 11:06:37
16 FPs ..."

17 Do you see that?

18 A I do.

19 Q And an "FP" refers to a facility-protect
20 tree, correct? 11:06:46

21 A It does.

22 Q Okay. So here it says: "For the next go
23 around of FP forecasting, we'll need to take into
24 account the number of FPs from 2015 that will hit
25 the 2016 Rtn" -- which is "routine," right? 11:06:58

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1 A That's correct. 11:07:03

2 Q -- "budget."

3 Do you see that?

4 A I do.

5 Q Okay. And is it correct -- did you have 11:07:07

6 an understanding that facility-protect trees that

7 had been identified in 2015 had not been corrected

8 and were carried forward into 2016?

9 MS. NORTH: Objection. Outside the scope.

10 THE WITNESS: I believe what they're 11:07:20

11 speaking here is billing and invoicing.

12 MR. CAMPORA: Right.

13 Q But the invoice happens after the tree is

14 fixed, right? After it's worked?

15 A The invoicing happens after the -- the FP 11:07:29

16 is -- is mitigated; that's correct.

17 Q Okay. So did you learn, as part of your

18 job -- because I have got some emails from you --

19 that there was trees, in 2015, that were FPT trees

20 that were not finished and were carried into 2016? 11:07:44

21 MS. NORTH: Objection. Outside the scope.

22 THE WITNESS: It's a possibility, but this

23 email doesn't seem to be looking at whether work is

24 carried over. It seems to be discussing that

25 invoicing and budgeting is carrying over. 11:07:58

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1 BY MR. CAMPORA: 11:07:59

2 Q Can you think of a reason, sir, that a --
3 either a PI inspector or a tree-trimming contractor
4 wouldn't bill for work done in 2015 in 2015?

5 MS. NORTH: Objection. Outside the scope. 11:08:11

6 THE WITNESS: Yes, I can't speculate as to
7 the reasoning, but I can tell you that that is
8 something that happens regularly.

9 BY MR. CAMPORA:

10 Q Okay. Did you, as part of identifying the 11:08:23
11 location of FPT trees in the audits, determine
12 whether or not any of the trees that were identified
13 as FPT trees in the audits had been carried over
14 from one year to the next?

15 A Are we talking -- 11:08:36

16 MS. NORTH: Objection. Vague.

17 Go ahead.

18 BY MR. CAMPORA:

19 Q Do you understand my question?

20 A I do not know, no. 11:08:41

21 Q Okay. What I'm asking you is: Assuming
22 trees were carried from 2015 to 2016, did you
23 determine whether or not any of those trees were
24 identified in the audits as facility-protect trees?

25 MS. NORTH: Objection. Vague. 11:08:52

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1 THE WITNESS: I actually need 11:08:54
2 clarification here. I'm -- I'm having trouble
3 understanding whether you're speaking about budget
4 and carryover or whether you're speaking about
5 whether a tree was not mitigated in that year. 11:09:03
6 MR. CAMPORA: All right. Well, sir, let's
7 do this one, since you're -- apparently you're
8 confused.
9 Mark that as next, please.
10 (Exhibit 0070-006 was marked for 11:09:20
11 identification by the court reporter.)
12 MR. CAMPORA: This would be Exhibit --
13 MS. NORTH: Do you have an extra copy?
14 MR. CAMPORA: Oh, I'm sorry.
15 MS. NORTH: It's all right. Thank you. 11:09:29
16 THE WITNESS: I was handed two copies.
17 MS. NORTH: Oh, there you go.
18 MR. CAMPORA: Give one to your lawyer.
19 Q This is Exhibit 70-006. It starts with
20 Bates No. PG&E-NBF-TAR-0000148890. And the email 11:09:45
21 I'm interested in is from Corey Peters.
22 Who is Corey Peters?
23 A Corey Peters is a supervisor in our
24 operations.
25 Q Okay. This email was sent June 6th, 2017. 11:10:02

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1 Do you see that? 11:10:06

2 A I do.

3 Q It was copied to you.

4 Do you see that?

5 A I do see that. 11:10:11

6 Q Okay. And it says: "Team: The 2016 work

7 is still not done and I wanted to bring it to your

8 attention."

9 Did I read that accurately?

10 A You did. 11:10:24

11 Q Okay. So we're not talking about

12 budgeting now; we're talking now about work not

13 being done, right?

14 A Yes.

15 MS. NORTH: Objection. Vague. 11:10:30

16 THE WITNESS: That's very clear.

17 BY MR. CAMPORA:

18 Q Okay. It says --

19 MS. NORTH: Outside the scope.

20 BY MR. CAMPORA: 11:10:33

21 Q -- "There are still over" 6,000

22 "outstanding 1st patrol FPTs from 2016."

23 Did I read that accurately?

24 A You did.

25 Q Any reason to believe that's not true? 11:10:42

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1 A No. 11:10:43

2 Q Okay. And you -- is this a copy of an
3 email you received in June of 2017?

4 A It appears so.

5 Q So in June of 2017, there were still 6,000 11:10:48
6 outstanding first patrol FPT trees that hadn't been
7 done that were identified in 2016; is that true?

8 MS. NORTH: Objection. I think you
9 misstated the year in your question, so it's outside
10 the scope. 11:11:04

11 MR. CAMPORA: Let me make sure I got it
12 right.

13 Q Is it correct, sir, that as of June 6th,
14 2017, there were still over 6,000 outstanding first
15 patrol FPT trees from 2016? 11:11:13

16 A It's possible. I'm going to take Corey's
17 word for it, but I will say that this appears to be
18 systemwide and not specific to my division of
19 responsibility.

20 Q Okay. Well, did you send back an email 11:11:31
21 that said, "Hey, in our -- we got all ours done"?

22 MS. NORTH: Objection. This is outside
23 the scope.

24 THE WITNESS: I'm unsure.

25 //

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1 BY MR. CAMPORA: 11:11:42

2 Q Okay. Well, you can look at the breakdown

3 of the -- on the next page, it has a breakdown of

4 each division where the FPTs are, doesn't it?

5 A It does. 11:11:58

6 Q Okay. Which area was yours?

7 MS. NORTH: Objection. Again, this is

8 outside the scope.

9 THE WITNESS: June of 2017, my

10 responsibility -- 11:12:12

11 BY MR. CAMPORA:

12 Q Yes, the email is June of 2017.

13 A -- my responsibility divisions were

14 North Bay, East Bay, and Diablo. So out of this

15 6477, my responsibility was the 20 in Diablo, the 26 11:12:27

16 in East Bay, and the 24 in North Bay.

17 Q Where do you see 24 in North Bay?

18 A Six trees that are still pending, and 18

19 trees that are assigned.

20 Q And in East Bay, there would be 28, true? 11:12:58

21 A Yes. Thank you.

22 Q And Diablo there were 20?

23 A Correct.

24 Q Okay. So there were -- in your area,

25 there were 20, plus 28, plus 24, right? 11:13:12

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1 Q Okay. What is category 7? You can read 11:14:08
2 it into the record?

3 A Category 7 states that "Pacific Gas &
4 Electric Company's understanding, at" the "time
5 between January 1st, 2015 to the present, of the 11:14:15
6 danger, if any, posed to the public by an FPT"

7 Q Okay. So as Pacific Gas & Electric
8 Company here today, tell me what you understood the
9 danger was to the public posed by an FPT tree.

10 A There's multiple danger that can be posed 11:14:38
11 to the public through an FPT tree. It varies based
12 on the location, the conditions on the ground, the
13 weather at the time, and the location.

14 Q Okay. Well, let's talk about the dan-- --
15 various dangers. 11:14:53

16 One is the tree -- the FPT tree could fall
17 on the line and we could have a wire down and
18 somebody could get electrocuted and killed, right?

19 A That's a possibility of a danger, yes.

20 Q Okay. And in June, when this email 11:15:05
21 happens, that's during fire season, right?

22 A I'm -- possibly.

23 Q So are you telling me, sir, as the person
24 most qualified from PG&E, you don't know that June
25 is part of fire season? 11:15:17

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1 MS. NORTH: Objection. Argumentative. 11:15:18

2 THE WITNESS: Each county declares fire

3 season separately, and I can't say specifically

4 whether Alameda County or Napa County or

5 Marin County had declared fire season. 11:15:30

6 BY MR. CAMPORA:

7 Q Okay. But a concern would be that if a

8 tree fell into a line -- and it could either lay on

9 the line and cause a fire or it could bring the line

10 down and cause a fire, true? Isn't that a danger? 11:15:44

11 A Possibly, yes, but not necessarily. It

12 depends on, again, the condition, the weather.

13 Q Okay. Well, let's talk about October of

14 2017.

15 Do you understand what the weather 11:16:03

16 conditions were then, sir?

17 MS. NORTH: Objection. Outside the scope.

18 BY MR. CAMPORA:

19 Q If you don't know, just tell me you don't

20 know. 11:16:08

21 MS. NORTH: Objection. You're being

22 argumentative.

23 THE WITNESS: Is there --

24 MR. CAMPORA: No, I'm not.

25 MS. NORTH: Yes, you are. 11:16:11

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1 THE WITNESS: Are you referring to 11:16:11
2 October 8th?
3 MR. CAMPORA: I'm talking about October --
4 the month of October 2017 and those conditions.
5 Q Do you know what I'm talking about? 11:16:20
6 MS. NORTH: Objection.
7 THE WITNESS: Yes. Do I understand the
8 conditions of October 8th and the lead-up? Yes, I
9 do.
10 BY MR. CAMPORA: 11:16:27
11 Q Okay. And you're aware that a danger
12 posed by an FPT tree could be that if a tree fell
13 into the line, it could lay on the line and cause a
14 fire, right?
15 A Yes. That is one of the possibilities 11:16:36
16 of -- one of the dangers that we understand posed to
17 the public by an FPT tree.
18 Q Okay. Or it could bring the line down,
19 and that could cause a fire, right?
20 MS. NORTH: Objection. Vague. 11:16:49
21 THE WITNESS: Possibility, yes.
22 BY MR. CAMPORA:
23 Q Okay. And so knowing that's a danger,
24 PG&E understands that if a fire starts, an FPT tree
25 poses the risk of death to people, true? 11:16:58

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